

Attorney Docket No. 13DV-12695-7 (21635-0018-1)
Application No. 10/715,783

D) AMENDMENTS TO THE DRAWINGS

None.

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E) REMARKS/ARGUMENTS

This Response is filed in response to an Office Action dated March 24, 2005.

Upon entry of this Response, claims 34-58 will be pending in the Application.

In the outstanding Office Action, the Examiner provisionally rejected claims 34-36 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 50 of U.S. Application No. 10/943,357. The Examiner rejected claims 34-36, 39, and 40 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,333,121. The Examiner rejected claims 34-44 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 17, and 20-22 of U.S. Patent No. 6,797,408. The Examiner rejected claims 34-36, 39, and 40 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 or 12 or 16 of U.S. Patent No. 6,656,605 in view of Murphy U.S. Patent No. 5,716,720. The Examiner rejected claim 35 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which the application regards as the invention.

Double Patenting Rejections

In response to the provisional double patenting rejection and the double patenting rejections, Applicants are submitting terminal disclaimers, one for each of the cited patents and one for the cited application, with this response. Therefore, claims 34-44 are believed to overcome the obviousness-type double patenting rejection and are therefore believed to be allowable.

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Rejection under 35 USC §112

The Examiner rejected claims 35 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicants have amended claim 35 to remove the language "percent." As support for this amendment may be found in the specification, Applicants submit that no new matter has been added as a result of this amendment to claim 35.

Allowable Subject Matter

The Examiner indicated that claims 45-58 are allowed. Applicants appreciated the Examiner's indication of allowable subject matter with respect to claims 45-58, but believe that all of the claims are allowable for the reasons set forth above.

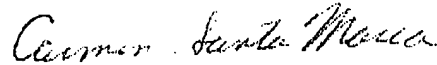
CONCLUSION

In view of the above, Applicants respectfully request reconsideration of the Application and withdrawal of the outstanding objections and rejections. As a result of the amendments and remarks presented herein, and as a result of the terminal disclaimer, Applicants respectfully submit that claims 34-44 are neither anticipated nor rendered obvious, and thus are in condition for allowance. Additionally, Applicants request withdrawal of the Examiner's rejection of claim 35 under 35 U.S.C. 112. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicants.

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Authorization is provided to charge Deposit Account 50-1059 for the fee for the terminal disclaimer. The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,
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